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December 1, 2005

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David R. Marsh	(202) 942-5068	982
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.295	4979	We are transmitting 3 page(s) (including this cover sheet)
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MESSAGE		

Re: Appeal No. 2005-2654; Conf. No. 8906
 U.S. Patent Appln. Ser. No. 10/021,323 filed December 12, 2001
 Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
 Inventors: Jill DEIKMAN *et al.*
 Atty. Docket: 16517.295 (38-21(52274)B/US)

Please see the attached Waiver of Hearing for the above-identified application.

PRIVILEGED AND CONFIDENTIAL

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December 1, 2005

David R. Marsh, Ph.D.
David_Marsh@aporter.com202.942.5068
202.942.5999 Fax555 Twelfth Street, NW
Washington, DC 20004-1206VIA FACSIMILEBoard of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450Appeal No. 2005-2654
Confirmation No. 8906

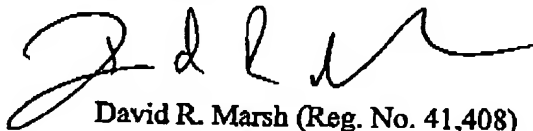
Re: U.S. Patent Application Serial No. 10/021,323 filed December 12, 2001
Inventors: Jill DEIKMAN *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt.: 16517.295 (38-21(52274)B/US)

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is a Waiver of Hearing. A courtesy copy of this letter and its attachment is being sent via facsimile to the Board of Patent Appeals and Interferences.

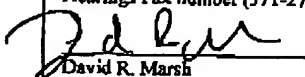
In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.295.

Sincerely,


David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Waiver of Hearing are being facsimile transmitted to the US PTO Central Fax number (571-273-8300), with a courtesy copy facsimile transmitted to the BPAI Hearings Fax number (571-273-0299).


David R. MarshDecember 1, 2005
Date

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St. Louis, MO
63167

Appeal No: 2005-2634
Appellant: Jill Deikman et al.
Application No: 10/021,323
Hearing Room: B
Hearing Docket: A
Hearing Date: Thursday, December 15, 2005
Hearing Time: 01:00 PM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact Dianne E. Maggard, Paralegal Specialist at 571-272-4634.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0300

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ☐ HEARING ATTENDANCE CONFIRMED ☒ HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant
David R. Marsh

12/01/2005
Date

41,408
Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
http://www.uspto.gov/web/offices/central/records/records_contact_info.htm